

STAND. COM. REP. NO. 895

Honolulu, Hawaii

March 6, 2015

RE: H.B. No. 837
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 837, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE CONSERVATION OF ANIMALS,"

begs leave to report as follows:

The purpose of this measure, as received by your Committee, is to prevent the extinction of animals with ivory teeth and tusks and the rhinoceros by prohibiting the sale and trade of ivory and rhinoceros horn within the State. This measure does not apply to certain items with less than 20 percent ivory content, whale teeth, and Ming's jewelry.

The Animal Legal Defense Fund, Animal Rights Hawai'i, Conservation Council for Hawai'i, Elephants DC, Gordon Consulting, Hawaiian Humane Society, Humane Society of the United States - Humane Society International, In Defense of Animals, International Fund for Animal Welfare, The Nature Conservancy of Hawai'i, Save Endangered Elephants.Org, Hawaii Chapter of the Sierra Club, Wildlife Conservation Society, and many concerned individuals testified in support of this measure. The Department of Land and Natural Resources (Department) supported the intent of the measure and provided comments. Hawaii Rifle Association, National Rifle Association of America, and many concerned individuals testified in opposition.

HB837 HD2 HSCR JUD HMS 2015-2507-1



Your Committee believes that a registry of ivory and rhinoceros horn articles to be sold in the State is a significant and reasonable approach to address the global plight of elephants and other ivory-toothed and tusked animals and rhinoceros. Rather than a blanket prohibition of the sale and trade of ivory and rhinoceros horn, as originally proposed in this measure, your Committee finds that it would be better to monitor the trade of ivory and rhinoceros horn by establishing a registry program to control the sale and purchase of ivory and rhinoceros horn in the State. Accordingly, your Committee has amended this measure to:

- (1) Establish a registry program to be administered by the Department to allow the sale and purchase of ivory or rhinoceros horn articles that have proper documentation of the species of animal and the age of the article;
- (2) Clarify that this measure adopts the purposes of the federal Endangered Species Act of 1973, African Elephant Conservation Act, Marine Mammal Protection Act, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- (3) Establish the rebuttable presumption that the sale or purchase of an ivory article without prior registration with the Department is illegal. The seller of the article may rebut the presumption with proper documentation that establishes the merchantability of the article;
- (4) Clarify that the exception for guns, knives, and musical instruments is for articles that have less than 20 percent content by volume of ivory or rhinoceros horn;
- (5) Exempt the personal use and possession of ivory or rhinoceros, bequests of ivory or rhinoceros horn, and employees or agents of the federal or state government undertaking any law enforcement activities pursuant to federal or state law or any mandatory duties required by federal or state law;
- (6) Give officers or agents authorized under title 12, Hawaii Revised Statutes, enforcement authority relative to the registry of ivory and rhinoceros horn;
- (7) Change the effective date to March 15, 2038, to encourage further discussion; and



- (8) Make technical, nonsubstantive amendments for clarity, consistency, and style.

If the next committee intends to take further action on the measure, your Committee respectfully requests that consideration be given to including the weight of the ivory and rhinoceros horn articles in the information required by the registry.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 837, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 837, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



